

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

CARLA GERICKE,

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Plaintiff

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v.

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Case No: 1:11-cv-00231-SM

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TOWN OF WEARE, et al.,

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Defendants.

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**ASSENTED TO JOINT DEFENDANTS' MOTION TO STAY
PROCEEDINGS PENDING APPEAL TO THE 1ST CIRCUIT COURT OF APPEALS**

Defendants, Town of Weare, Weare Police Department, Weare Police Chief Gregory C. Begin, Weare Police Lieutenant James L. Carney, Weare Police Officer Brandon Montplaisir, and Weare Police Sergeant Joseph Kelley, by their counsel, file this Assented To Joint Motion to Stay Proceedings pending the outcome of the appeal to the United States Court of Appeals for the First Circuit, and say:

1. Individual Defendants filed a Notice of Appeal to the First Circuit Court of Appeals on October 29, 2012.
2. The appeal to the First Circuit is from this Court's Order dated October 15, 2012, which granted in part and denied in part defendants' motions for summary judgment.
3. Plaintiff's counsel does assent to this motion.

WHEREFORE, Defendants respectfully request that this Court:

- A. Stay all proceedings in this Court pending the outcome of the Appeal to the United States Court of Appeals for the First Circuit; and
- B. Grant such further relief as justice requires.

Respectfully submitted,

**TOWN OF WEARE, NH;
WEARE POLICE DEPARTMENT;
WEARE POLICE CHIEF GREGORY C. BEGIN;
WEARE POLICE LIEUTENANT JAMES J. CARNEY;
WEARE POLICE OFFICER BRANDON MONTPLAISIR,
Individually and Officially**

By Their Attorneys,

GALLAGHER, CALLAHAN & GARTRELL, P.C.

Date: October 29, 2012

By: /s/ Charles P. Bauer

Charles P. Bauer, Esq. (NH Bar #208)
Robert J. Dietel, Esq. (NH Bar #19540)
214 N. Main Street
P.O. Box 1415
Concord, NH 03302-1415
(603)545-3651

**WEARE POLICE SERGEANT JOSEPH KELLEY
Individually and Officially
By His Attorneys**

MAGGIOTTO & BELOBROW, PLLC

Date: October 29, 2012

By: /s/ Corey Belobrow

Corey Belobrow, Esq. (NH Bar #534)
58 Pleasant Street
Concord, NH 03301
(603) 225-5152

LOCAL RULE 7.1(c) and RULE 7.2(a)

I, Charles P. Bauer, hereby certify that I requested assented from Attorney Steve Martin, counsel for Plaintiff, and he has assented to the relief sought herein.

Date: October 29, 2012

By: /s/ Charles P. Bauer

Charles P. Bauer, Esq. (NH Bar #208)

CERTIFICATE OF SERVICE

I, Charles P. Bauer, hereby certify that a copy of the foregoing was sent to all ECF counsel.

Date: October 29, 2012

By: /s/ Charles P. Bauer

Charles P. Bauer, Esq. (NH Bar #208)